

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DARRYL ORRIN BAKER,
Plaintiff,

VS.

UNITED STATES OF AMERICA ET.AL.
Defendant's.

CIVIL ACTION NO.# 05-147-ERIE

FILED

FEB 15 2008

PLAINTIFF'S MOTION FOR EXTENSION OF TIME

CLERK U.S. DISTRICT COURT
WEST. DIST. OF PENNSYLVANIA

NOW COMES, the Plaintiff DARRYL ORRIN BAKER, (Hereinafter "PLAINTIFF"), and proceeding pro-se, and respectfully moves this Honorable Court in the interest of justice to GRANT the Plaintiff Motion for Extension of Time because the Plaintiff Due Process under the Fifth and Fourteenth Amendment are being violated and for the reasons that follow.


- (1) The Plaintiff received this Honorable Court's Order on Motions dated February 22, 2008. See (ATTACHMENT 1)
- (2) This Honorable Court granted the Defendant's Motion for Extension of Time to file a Motion to Dismiss, or in the Alternative Motion for Summary Judgment and extended the time past this Honorable Court's Order that all dispositive motions are due on January 18, 2008. See (ATTACHMENT 2).
- (3) The Plaintiff received another Order from the Court Ordering the Plaintiff that the Plaintiff have until February 22, 2008, to respond to the Defendant's Motion for Summary Judgment that was filed and docketed 74 and 75. See (ATTACHMENT 1).

(4) The Plaintiff have not receive the Extension of Time Motion or the Defendant's Motion for Summary Judgment, and Brief in Support of Motion.

Wherefore. the Plaintiff request a Extension of Time to compel the Defendant's to serve the Plaintiff so the Plaintiff can respond to this Honorable Court's Order.

Respectfully submitted

BY:


Darryl Orrin Baker
Reg. No.# 19613-039
Federal Correctional Institution
P.O. Box 1000
55072

EXECUTED: FEBRUARY 9, 2008


CONCLUSION

The Plaintiff request a Extension of Time for this Honorable Court to compel the Defendant's to serve the Plaintiff with it's Motion to Dismiss, or in the Alternative Motion for Summary Judgment, because the Plaintiff is being prejudice and Due Process of Law are violated under the Fifth and Fourteenth Amendment.

Wherefore, the Plaintiff request for a Extension of Time because the Defendant's have not served the Plaintiff with it's recent Motion to Dismiss, or in the Alternative Motion for Summary Judgment.

Respectfully submitted

BY:



Darryl Orrin Baker
Reg. No.# 19613-039
Federal Correctional Institution
P.O.Box 1000
Sandstone, MN
55072

EXECUTED: FEBRUARY 9, 2008

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have sent a true and exact copy of the Plaintiff's Motion for Extension of Time this day 9, February 2008, United States First Class Mail to the following.

Assistant United States Attorney
Mr. Paul E. Skirtich
U.S. Post Office & Courthouse
700 Grant Street
Suite 4000
Pittsburgh, Pennsylvania
51219

Respectfully submitted

BY:

Darryl Orrin Baker
Darryl Orrin Baker
Reg. No. # 19613-039
Federal Correctional Institution
P.O. Box 1000
Sandstone, MN
55072

EXECUTED: FEBRUARY 9, 2008

(ATTACHMENT 1)

Other Orders/Judgments

1:05-cv-00147-SJM-SPB BAKER v. UNITED STATES, et al

U.S. District Court

Western District of Pennsylvania

Notice of Electronic Filing

The following transaction was entered on 2/1/2008 at 2:17 PM EST and filed on 2/1/2008

Case Name: BAKER v. UNITED STATES, et al

Case Number: 1:05-cv-147

Filer:

Document Number: 76

Docket Text:

ORDER Response/Briefing Schedule re [74] Motion for Summary Judgment, [75] Brief in Support of Motion. Plaintiff's Response to Motion due by 2/22/2008. Signed by Judge Susan Paradise Baxter on 2/1/08. (lrw)

1:05-cv-147 Notice has been electronically mailed to:

Paul E. Skirtich paul.skirtich@usdoj.gov, carol.friedrich@usdoj.gov, usapaw.ecfcivil@usdoj.gov

1:05-cv-147 Filer will deliver notice by other means to:

DARRYL ORRIN BAKER
19613-039
FEDERAL CORRECTIONAL INSTITUTION
PO BOX 1000
SANDSTONE, MN 55072

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1098469114 [Date=2/1/2008] [FileNumber=1243137-0]
[c849b7a69828808ad398d90f28e3001d8622768ca179176e3145f1da1e523560c465
cae392fe529dc91663117f5fa4fe8c698787398c63d708f6f0f8af5c3008]]

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DARRYL ORRIN BAKER,
Plaintiff,

v.

UNITED STATES OF AMERICA,
Defendant.

C.A. No. 05-147 Erie

ORDER

AND NOW, this 1st day of February, 2008;

Defendant having filed a Motion for Summary Judgment (Doc. #74) and Brief (Doc. #75) in support thereof;

IT IS HEREBY ORDERED that plaintiff shall be allowed until February 22, 2008, to respond to the motion. Plaintiff is advised that his response to the motion may include opposing or counteraffidavits (executed by the plaintiff or other persons) which have either been sworn to under oath (notarized) or include at the end of the document, immediately before the plaintiff's signature, the following in accordance with 28 U.S.C. § 1746: "I declare under penalty of perjury that the foregoing is true and correct. Executed this ____ day of _____, 200__."

IT IS FURTHER ORDERED that all affidavits, opposing or counteraffidavits must be based upon the personal knowledge of the person executing the affidavit; that no affidavit, amended complaint, pretrial narrative or other document containing plaintiff's allegations will be considered when determining the motion for summary judgment unless it has been notarized before a notary public or unless it contains a declaration under penalty of perjury as set forth above; that plaintiff may attach to his affidavit copies of any depositions, answers to interrogatories, institutional records or other documents he wishes this court to consider when addressing the summary judgment motion; and that the motion for summary judgment will be

evaluated under the procedure standard set forth in Rule 56 of the Federal Rules of Civil Procedure; and that failure to respond may result in entry of judgment against him.

IT IS FURTHER ORDERED THAT plaintiff shall serve on counsel for defendant a copy of each pleading or other document submitted for consideration by the court and shall include with each document filed a certificate stating the date a true and correct copy of the pleading or document was mailed to each attorney. Any pleading or other document received by a district judge or magistrate judge which has not been filed with the Clerk or which fails to include a certificate of service shall be returned to the plaintiff by the Clerk.

IT IS FURTHER ORDERED that the parties are allowed ten (10) days from this date to appeal this order to a district judge pursuant to Rule 72.1.3(B) of the Local Rules for Magistrates. Failure to appeal within ten (10) days may constitute waiver of the right to appeal.

s/Susan Paradise Baxter
SUSAN PARADISE BAXTER
United States Magistrate Judge

cc: all parties of record (lw)

(ATTACHMENT 2)

Orders on Motions

1:05-cv-00147-SJM-SPB BAKER v. UNITED STATES, et al

U.S. District Court

Western District of Pennsylvania

Notice of Electronic Filing

The following transaction was entered on 1/22/2008 at 11:37 AM EST and filed on 1/22/2008

Case Name: BAKER v. UNITED STATES, et al

Case Number: 1:05-cv-147

Filer:

Document Number: No document attached

Docket Text:

TEXT ORDER granting [72] Motion for Extension of Time to File a Motion to Dismiss, or in the Alternative, Motion for Summary Judgment. Dispositive Motions due by 1/30/2008. Signed by Judge Susan Paradise Baxter on 1/22/08. Text-only entry; no PDF document will issue. This text-only entry constitutes the Order of the Court or Notice on the matter. (lrw)

1:05-cv-147 Notice has been electronically mailed to:

Paul E. Skirtich paul.skirtich@usdoj.gov, carol.friedrich@usdoj.gov, usapaw.ecfcivil@usdoj.gov

1:05-cv-147 Filer will deliver notice by other means to:

DARRYL ORRIN BAKER
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PO BOX 1000
SANDSTONE, MN 55072